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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,915	08/20/2001	Kazuhiko Yamauchi	NAK1-AZ37b	9300
21611 7590 05/06/2005 SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			EXAMINER NGUYEN, HUY THANH	
			ART UNIT 2616	PAPER NUMBER

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/932,915

Applicant(s)

YAMAUCHI ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27, 28 and 30-37 is/are rejected.
- 7) ☒ Claim(s) 29 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 27-28 and 30-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Taira et al (5,636,200).

Regarding claims 27 and 30, Taira discloses an optical disc (Figs. 22-31, column 8, lines 9-33, column 9, line 42 –69, columns 10-12)) comprising

a plurality pieces information of a plurality of titles (cells or program cells);

route information defining a reproduction route by specifying at least one reproduction order of the plurality of pieces information, the reproduction order of cells is defined in program chain information or defined by the user (Fig. 24); and

disc reproduction information including branch status information indicating for each title whether a branch during its reproduction (Figs. 23 and 27).

Further for claim 27, Taira further teaches that the branch information is determined by a reproduction unit (angle change or switching program chain) (Fig. 24).

Regarding claim 28, Taira further teaches flag information indicating the order of reproduction is determined by flag value (flag information) (figs. 21-24).

Regarding claims 31-33, Taira further teaches a command region that comprises branch information (Figs. 15 and 27-33).

Regarding claim 34, Taira further teaches menu information and a disc reproduction device (Figs 9-10).

Regarding claim 35, Taira further teaches reading means for reading the route information and branch information and the image information (fig. 9; columns 8 and 9).

Regarding claim 36, Taira further teaches searching information (Fig. 21-24);

Regarding claim 37, Taira further teaches means for displaying an index number (Figs 37-38, column 15).

Response to Arguments

3. Applicant's arguments filed 10 November 2004 have been fully considered but they are not persuasive.

Applicants argue that "As mentioned above, the ability to provide branching, whether designated as an angle number or otherwise, has been known and the present invention does not purport to be a new way of providing such branching. Rather, the present invention addresses an improvement in providing a highly efficient reproduction method to accommodate the larger storage capabilities of DVDs by providing a unique

reproduction information that actually indicates the status of each one of a title group so that the reproduction apparatus can save time in determining whether the sequence of reproduction of a title group can be varied through branching or whether it can not be branched without being required to search through the entire audio and video information associated with the title group."

In responses the examiner disagrees. It is noted that Taira teaches using information for indicating a status of piece audio/video information to be branched from one audio video information pieces to another audio video information pieces and inhibit a performance of the current reproduction pieces (column 10, lines 50-60).

Applicants argue that "The Office Action attempts to address the control information that would be at the VOB or PGC level which can be set for a particular branch instruction by the editor or to make options available to the user with in fact the higher level reproduction management information or disc reproduction management information that is directed to define a branch status to indicate for each title whether a branch during its reproduction is possible. Thus, there appears to be confusion in interpreting the language of **our present claims which is directed to a higher hierarchy level** of determining the existence of branch capability as opposed to the actual control information implementing a branch in the reproduction of the Audio-visual work". In response, it is noted that applicant argument is not recited in claims.

Applicants argue that "As noted in the Tiara et al. reference, Figure 12 represents a schematic diagram showing a file access process of the data structure of a standard ISO-9660 structure shown in Figure 1."

In response, it is noted that applicants' argument does not reflect the claims since the claims do not specify the data structure and format of the file.

Allowable Subject Matter

4. Claim 29 is allowed.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (571) 272-7375. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER